

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDGAR NOLAN III,

Plaintiff,

Case No. 19-cv-13401
Hon. Matthew F. Leitman

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER (1) ADOPTING THE RECOMMENDED DISPOSITION OF THE
REPORT AND RECOMMENDATION (ECF No. 13) AND (2) DISMISSING
WITHOUT PREJUDICE PLAINTIFF'S COMPLAINT (ECF No. 1)**

On November 18, 2019, Plaintiff Edgar Nolan III filed a *pro se* complaint against the Commissioner of Social Security. (*See* Compl., ECF No. 1.) On January 16, 2020, the Magistrate Judge ordered that Nolan present to the Clerk's Office a copy of his Complaint, two completed USM 285 forms, and three completed summonses so that the U.S. Marshal could serve Defendant. (*See* Order Directing Pl. to Complete Service Documents, ECF No. 11.) Nolan did not submit these documents. As a result, on February 13, 2020, the Magistrate Judge ordered that Nolan, by February 28, 2020, either show cause why his action should not be dismissed for failure to submit the requested documents or else submit the documents. (*See* Show Cause Order, ECF No. 12, PageID.21–22.) Nolan did not respond to the Show Cause Order or otherwise submit the requested documents.

Accordingly, on March 10, 2020, the Magistrate Judge issued a Report and Recommendation (the “R & R”) in which he recommended that Nolan’s action be dismissed without prejudice under Federal Rules of Civil Procedure 4(m) and 41(b) for failure to prosecute and for failure to provide the requisite service-related documents. (*See* R & R, ECF No. 13, PageID.24–25.) At the conclusion of the R & R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.25–26.)

Nolan has not filed any objections to the R & R. The failure to file objections releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to object to an R & R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505, 508 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Nolan has failed to file any objections to the R & R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommendation that Nolan’s action be dismissed for failure to prosecute (ECF No. 13) is **ADOPTED** and that Nolan’s Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: June 19, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 19, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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